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## MAGNOLIA PLACE SUBDIVISION RESIDENTS ASSOC., INC

### ANNUAL MEETING MINUTES JULY 16<sup>TH</sup>, 2020

**Ryan Libke – President**

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### CALL TO ORDER

The Annual Meeting was held at the Nelson Bottom Shelter near the Neighborhood Front Entrance and called to order by Ryan Libke, the Association Board of Directors President, at 6:46 pm.

### CALLING OF THE ROLL & CERTIFICATION OF PROXIES

In attendance were Tammy Whitworth, Judith VanHorn, David Collett, Case & Lindsay Hoskins, Armando & Elizabeth Manzo, Chris & Katie Kleymeyer, Asher Myatt, Sean & Tanya Reeder, Bill & Barb Howlett, Kendall Law, Michael Davis, Thomas Hendron, Chris & Erin Slone, Christine Duke, Brad & Angie Allen, Jim & Debra Oates, Linda Wade, Ryan & Megan Libke, Ron & Nancy Hollingsworth, Jon & Terri Cook, Kevin & Pamela Flanagan and Dwight & Akemi Johnson.

General Proxies were given as follows: Beth Brown to Ryan Libke, Linda Penn to Chris Kleymeyer, Susan & Andy Raisor to Megan Libke.

Chris Kleymeyer was given proxy by the following to vote on any course of action that would result in the current restriction against sheds within Magnolia Place Subdivision being deleted: Ed & Tammy Whitworth, Abby & Chris Drew, Pat & Stephanie Bennett, Mary Stratton, Rick & Jennifer Gerber, Gerald & Melanie Entekin, Carla Larkin, Amy Ennis, Linda Penn, Jared & Erica Williams, Gary Waggoner, Jerry & Michelle Dorris, Tim & Paula Mock, Judith Van Horn, Charles & Rita Mann and Michael Duke.

### PROOF OF NOTICE OF MEETING

The meeting notice was sent out via email on June 30th, 2020 to those with emails on file with the Association and a hardcopy was placed in everyone else's newspaper box that same day.

### READING AND APPROVAL OF MINUTES

Bill passed out copies of last year's meeting minutes and summarized the contents. There was no discussion. Chris Kleymeyer moved the minutes be approved as summarized and Asher Myatt seconded the motion. Motion was approved by voice vote.

### APPROVAL OF THE FINANCIAL STATEMENT

Katy Kleymeyer went over the Treasurer's Report. As of today there was a balance of \$18,047.99 in the account. 74 Homeowners have paid their annual dues and 9 remain outstanding. Letters will be sent to the Homeowners and on August 1<sup>st</sup>, Liens will be imposed.

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Chris Kleymeyer had a question about the \$500 for legal fees. It was stated that this was the retainer fee for Mr. Graney, the lawyer the Board retained to help navigate the process for amending the Articles of Incorporation. It was additionally stated that to date about \$600 has been paid to Mr. Graney which is under our cap of \$1500 per year. Ryan noted that Mr. Graney would charge \$200 if we need him to send a letter to a homeowner.

Another question was asked about the difference between “Front Entrance” and “Landscaping”. It was explained that Front Entrance were one-time expenditures to maintain the front entrance while Landscaping was considered recurring expenses like grass cutting.

### ANNUAL BUDGET REVIEW AND APPROVAL

Katy summarized the proposed Annual Budget for this coming year. She noted that Homeowner Dues would equal 83 homes at \$125 each for a total of \$10,375. This plus the balance of \$10,201.67 as of June 1<sup>st</sup> puts the Association Assets at \$20,576.67. Total liabilities as detailed in the Budget also totals \$20,576.67.

There were no further questions. Chris Kleymeyer moved the Budget be approved. Case Hoskins seconded the motion. Motion was approved by voice vote.

### COMMITTEE REPORTS

#### Secretary Report-Bill Howlett

Bill reported that since last year’s Annual meeting there have been 30 Requests for Restriction Review that have come before the Board. 29 were approved and only 1 disapproved. A Greenhouse. There have been 2 Violation Letters sent out. One was resolved and the other pertaining to an AirB&B operating in the community is still outstanding.

Bill reported that the Resolution to Amend the Articles of Incorporation had passed. Of the 148 eligible voters, 103 had voted in favor and 6 against. To pass the resolution required a 2/3rds majority of the membership. 2/3rds of 148 is 99. Since 103 voted in favor the resolution passed. The new Amended Articles of Incorporation were notarized on the 15<sup>th</sup> of June and submitted to the Secretary of State’s office by Katy Kleymeyer. A photocopy of the submission has been received from the Secretary of State’s Office and the document will be filed in the County Clerk’s Office in the near future.

Finally, Bill reported an updated hardcopy of the Community Phonebook had been placed in everyone’s newspaper box on July 2<sup>nd</sup>. Thanks went out to Christine Duke for her efforts to canvas the community and get the latest information.

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**Welcome Committee Report – Christine Duke**

Christine reported that she had not done anything yet as there were no newcomers since her appointment as Head of the Committee. She also requested that something be done to formalize what each newcomer was to receive upon becoming a Homeowner in the Community.

**Front Entrance Committee -Ryan Libke**

Ryan reported that Joe Pridmore still had our contract to conduct Landscaping and Maintenance. He also reported the Blue Spruces were replaced by Holly Bushes and that some sod was added as well as some Burning Bushes. The consensus from the group was that the Front Entrance was all well done and really looked good.

A question was raised about how the age of the Oak Tree at the Front Entrance. Jim Oates reported the tree was over 500 years old and was the oldest Oak Tree with the widest diameter in Shelby County.

**Yard Sale Committee – Asher Myatt**

Asher reported that nothing was being done by the community because of the pandemic restrictions. He and the Board would relook things in the fall.

**ELECTION OF OFFICERS**

Ryan informed the group that there were 3 Board Member positions up for election every year and that each board member serves a two-year term. Board members whose terms are expiring this month are Brad Allen, Katy Kleymeyer and Asher Myatt. He then asked for nominations to fill those three positions.

These members were nominated: Sean Reader, Brad Allen, Asher Myatt, Jonathan Cook, Jim Oates, Katy Kleymeyer and Christine Duke. Each member said something about themselves prior to the vote.

Ryan summarized how voting was conducted. He informed the group that each voting member would get an index card for themselves and their proxies. Each member would have three votes and those votes could be cast in any combination the member desired. I.E. Three different nominees or the same nominee three times. The top three vote receivers would be the new Board members.

Index cards were passed out to the group recognizing proxies as appropriate. Votes were turned into Bill Howlett, the Secretary, to be counted. The count was verified by Katy Kleymeyer.

The top three vote receivers were Katy Kleymeyer, Jim Oates and Brad Allen. They will assume their duties at the first Board Meeting after the Annual meeting at which time the Board will select the Officers of the Board.

## OLD BUSINESS

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### **Articles of Incorporation Update – Ryan Libke**

Ryan reported that since last year's meeting the Board found there was no way to legally change the restrictions which clearly stated sheds were not allowed. The Board decided to retain a local lawyer, Patrick Graney, with extensive Homeowners Association experience, to help navigate the legalities of changing our governing documents. The Amended Articles of Incorporation Resolution voted upon in the May/June time frame was passed and documented with the state as of 26 June. The next step is to record a copy in the County Clerk's Office.

### **Shed Committee Recommendation Update – Ryan Libke**

Ryan reported that the Committee had worked up specifications and language to alter the restrictions. The Board would review the matter at the next Board meeting and get legal advice as necessary. To be put to a Membership Vote, the Board must adopt a Resolution with specific amendment language. Per the recently accepted Articles of Incorporation, 2/3rds of the Membership must vote by ballot in favor of the Resolution for it to pass.

Dwight Johnson, as head of the Shed Committee, thanked Chris Kleymeyer and his gang for the hard work they put in to put together the specifications for a shed and the language required to change the Restrictions. He said the committee had talked to various commercial vendors for ideas of a professionally built permanent style shed. It was asked if the committee had a specific recommendation and the answer was yes. It would be professionally built on a skid and have to conform to building styles used in the subdivision.

Discussion voiced concern for property values and the competition we would face with other subdivisions that already allow sheds. Another concern was if sheds were allowed why would it not lead to approval of other above ground structures. The slippery slope problem.

There was consensus from the group on one thing. If the matter is brought to a Membership Vote there needs to be an input period before the vote so all the concerns are made public and considered during the voting period. Ryan promised this would happen.

### **AirB&B – Ryan Libke**

After getting a legal opinion from Mr. Graney, a Violation Letter was sent to the homeowner in question. Their response indicated they disagreed with the Board. Recently there was another occurrence of the violation and the Board will have to determine the next course of action. Perhaps have the lawyer send a more strongly worded letter. Since the County is not addressing the matter it will be hard to enforce without taking legal action. The Board still considers this a business which is a violation.

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Kendall Law asked why we allow Joe Pridmore to conduct his business out of his home and why he is allowed to park a commercial vehicle in his driveway. Bill Howlett mentioned he felt Joe was only using his house for a home office and that does not constitute a business. There was no answer to the commercial vehicle question.

There was also concern about home rentals in the community could drive down resale values. Rental of homes is allowed in the subdivision. Bill suggested that if a problem we could restrict the number of rentals in the community like other subdivisions do.

It was noted that Property 147 takes in roommates that pay rental. They have cars parking on the grass and back out on the road blocking the sidewalk. This could be addresses under the current nuisance restriction. The Board will look into the matter and take appropriate action.

It was also mentioned that there were currently 2 sets of restrictions. Now that the Amended Articles of Incorporation have made us one entity the Restrictions should be consolidated. Until the Restrictions are changed, we have very little recourse other than threatening letters and legal action. We can require violators to attend a Hearing and explain why they don't need to follow the Restrictions. The best we can do as leverage is withdraw their voting privileges while legal action is taken or they conform. Perhaps setting some monetary fines could be considered in the future.

### NEW BUSINESS

-Chris Kleymeyer had concerns about the amount of time it was taking to address the Shed issue. He proposed a motion to require the Board to decide on the direction to be taken with Sheds in the next 90 days. Chris Sloan seconded the motion. The motion passed with a show of hands.

-It was noted that the MPSHOA Facebook Page was administered by Josh Settles and was not affiliated with the Board or Association.

-Solicitors have been coming into the subdivision. To solicit here they must have a License with them at all times. Homeowners show ask to see the License. Violators should be reported to the Board.

-Jim Oates, the Developer of the Subdivision and newly elected Board Member, voice his concerns about changing the restrictions. He warned of the slippery slope that changing restrictions can lead to and the impact that might have on property values.

-Ryan thanked Asher Myatt for his service on the Board over the last 2 years and hoped he would continue his efforts as Head of the Yard Sale Committee.

- Ryan reminded everyone to make sure they are getting the community wide emails serviced by Email Chimp.

### ADJOURNMENT

Motion to adjourn by Case Hoskin. 2<sup>nd</sup> by Chris Kleymeyer  
Meeting adjourned at 8:15pm.